# IPC Section 103

## Section 103 of the Indian Penal Code: Punishment for Abetment if Person Abetted does Act with Different Intention from that of Abettor  
  
Section 103 of the Indian Penal Code (IPC) addresses a specific scenario within the broader concept of abetment: situations where the person abetted commits an act different from what the abettor intended. This section clarifies the abettor's liability in such instances, highlighting the complexities of assigning criminal responsibility when the outcome diverges from the original instigation.  
  
\*\*The Text of Section 103:\*\*  
  
“If the act for which the abettor is liable under the last preceding section is committed in consequence of the abetment, but such act is different by reason of any circumstance from the act abetted, and such act is a probable consequence of the abetment, the abettor shall be liable to the punishment provided for the act actually committed.”  
  
\*\*Deconstructing the Section:\*\*  
  
This section outlines a complex scenario and its legal implications. Let's break down the key components for a clear understanding:  
  
1. \*\*“If the act for which the abettor is liable under the last preceding section…”:\*\* This phrase directly links Section 103 to Section 102. It refers to situations where an abettor is deemed liable under Section 102, which covers cases where the act abetted is committed in consequence of the abetment but differs from the act the abettor intended.  
  
2. \*\*“…is committed in consequence of the abetment…”:\*\* This reiterates the essential requirement of a causal link between the abetment and the act committed. The act must be a direct consequence of the abetment, not merely an incidental or unrelated event. The prosecution must establish this causal connection beyond a reasonable doubt.  
  
3. \*\*“…but such act is different by reason of any circumstance from the act abetted…”:\*\* This is the crux of Section 103. It addresses situations where the act committed by the person abetted deviates from the act originally intended by the abettor. This difference can arise from various circumstances, including a misunderstanding, change of plans, or unforeseen intervening factors.  
  
4. \*\*“…and such act is a probable consequence of the abetment…”:\*\* This crucial qualifier limits the abettor's liability. The different act committed must be a probable consequence of the abetment. This means a reasonable person, in the abettor's position, could have foreseen the possibility of the different act occurring as a result of their instigation. This element of foreseeability is critical in determining culpability.  
  
5. \*\*“…the abettor shall be liable to the punishment provided for the act actually committed.”:\*\* This specifies the punishment for the abettor. They are liable for the punishment prescribed for the act actually committed by the person abetted, even if it differs from the act the abettor initially intended. This underscores the principle that individuals are responsible for the foreseeable consequences of their actions, even if the precise outcome isn't what they envisioned.  
  
  
\*\*Scope and Applicability:\*\*  
  
Section 103 applies in specific situations:  
  
\* The person abetted commits an act in consequence of the abetment.  
\* The act committed is different from the act the abettor intended.  
\* The different act committed is a probable consequence of the abetment.  
  
\*\*Illustrative Examples:\*\*  
  
\* \*\*Scenario 1:\*\* A instigates B to steal C's bicycle. B, misunderstanding A's instructions, steals C's motorcycle instead. If stealing a motorcycle is a probable consequence of instigating the theft of a bicycle (for example, both are parked in the same location), A is liable under Section 103 for the theft of the motorcycle.  
  
\* \*\*Scenario 2:\*\* A instigates B to injure C by throwing a stone at him. B, in a fit of rage, stabs C instead. If stabbing C is considered a probable consequence of instigating B to throw a stone (for example, if B has a history of violence), A can be held liable for the stabbing under Section 103.  
  
\* \*\*Scenario 3 (where Section 103 doesn’t apply):\*\* A instigates B to steal a bicycle. B, completely deviating from A's instigation, sets fire to C's house. Setting fire to the house is not a probable consequence of instigating bicycle theft. Section 103 wouldn't apply in this case. A wouldn't be liable for arson.  
  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 103 is intricately linked to other provisions relating to abetment:  
  
\* \*\*Section 102 (Abetment of an offence):\*\* Section 103 builds upon Section 102, addressing a specific scenario within its broader scope.  
\* \*\*Section 107 (Abetment of a thing):\*\* Section 103 relies on the definition of abetment provided in Section 107.  
\* \*\*Section 116 (Abetment of offence punishable with imprisonment-if offence be not committed):\*\* While Section 116 deals with situations where the abetted offence isn’t committed, Section 103 deals with situations where a \*different\* offence is committed.  
  
  
\*\*Importance of "Probable Consequence":\*\*  
  
The phrase "probable consequence" is central to Section 103. It requires a judgment call about whether a reasonable person could have foreseen the different act as a potential outcome of the abetment. This determination relies on the specific facts and circumstances of each case.  
  
\*\*Case Law:\*\*  
  
Judicial pronouncements have shaped the interpretation of "probable consequence." Courts have considered factors such as:  
  
  
\* The nature of the abetment.  
\* The relationship between the abettor and the person abetted.  
\* The surrounding circumstances.  
  
\*\*Distinguishing Section 103 from Other Sections:\*\*  
  
  
\* \*\*Section 34 (Acts done by several persons in furtherance of common intention):\*\* Section 34 deals with shared criminal intent among multiple individuals, while Section 103 focuses on the liability of the abettor when the person abetted deviates from the original plan.  
\* \*\*Section 120A (Definition of criminal conspiracy):\*\* Conspiracy focuses on the agreement to commit an offence, while Section 103 concerns the consequences of abetment even when the resulting act differs from the abettor's intention.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 103 of the IPC addresses a nuanced scenario within the realm of abetment. It clarifies the liability of an abettor when the person abetted commits a different act than the one instigated, provided that the different act is a probable consequence of the abetment. This section reflects the complexity of assigning criminal responsibility when the outcome of an abetment diverges from the abettor's original intent. Understanding the specific elements of Section 103, the importance of “probable consequence,” and its relationship with other sections relating to abetment is crucial for a comprehensive grasp of Indian criminal law. The application of this section necessitates a careful examination of the facts and circumstances of each case, including the nature of the abetment, the foreseeability of the different act, and the overall context in which the events unfolded. Judicial interpretation continues to refine the understanding and application of this section, ensuring its effectiveness in addressing the intricacies of criminal liability.